

BEFORE THE NATIONAL LABOR RELATIONS BOARD
UNITED STATES OF AMERICA
REGION 19

TECK COMINCO ALASKA, INCORPORATED¹

Employer

and

Case 19-RC-14625

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 1547,
AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board. Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record² in this proceeding, the undersigned makes the following findings and conclusions.³

I. SUMMARY

The Employer is a State of Alaska corporation engaged in the business of mining zinc and lead at the Red Dog Mine, which is located approximately 90 miles north of Kotzebue, Alaska. The Employer also operates a port approximately 50 miles west of the mine on the shore of the Chukchi Sea, where it stores the processed zinc and lead and loads it on to ships for transport around the world. The Petitioner filed the instant petition and claims that the unit sought, which is composed of approximately 16 electricians, instrument technicians, and communications technicians employed by the Employer at the mine and port, constitutes a craft unit of highly skilled and licensed employees who share a community of interest separate and apart from the Employer's other employees. Contending that the unit sought is inappropriate, the Employer asserts

¹ The Employer's name appears as corrected at the hearing.

² The Employer and the Petitioner filed timely briefs, which were duly considered.

³ The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. The labor organization involved claims to represent certain employees of the Employer and a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

that the employees sought by the Petitioner are not a craft unit, and that the only appropriate unit is a wall-to-wall unit comprising approximately 245 production and maintenance employees who share a community of interest. Based on the record as a whole and the parties' respective briefs, I find that the petitioned-for unit of electrical employees constitutes an appropriate craft unit and shall order an election be held in that unit.

Below, I have set forth the evidence presented in the hearing concerning the operations of the Employer and the factors the Board analyzes in determining whether a petitioned-for craft unit is appropriate. Following the presentation of the evidence, I have set forth a brief summary of the parties' positions, a section applying the legal standards to the evidence, and my conclusion. The decision concludes with a direction of election and the procedures for requesting review of this decision

II. FACTUAL BACKGROUND

A. The Employer's Operations

The Employer operates an open pit mine and port operation known as the Red Dog Mine from which it extracts and processes zinc and lead ore. The mine commenced operations in 1989. The mine is operated and managed as part of a joint venture partnership with an Alaska regional corporation known as Nana. The mine is situated in a remote area of Alaska approximately 90 miles north of Kotzebue. It operates on a 24-hour per day, 7-day per week basis. Rock is extracted from the surface mine through blasting and stockpiled before it is crushed into coarse ore and then placed into an enclosed building for dust handling. Beneath that building are underground feeders that feed the ore by conveyor belt to the Employer's milling operation, which grinds the ore down to a very fine powder mixture. Zinc and lead are then extracted from the powder mixture during the flotation stage through the use of water, chemicals, and air. Dewatering is the last stage of the milling process, whereby 91% to 92% of the moisture is extracted from the lead and zinc concentrate. Once the moisture is removed, the lead and zinc are placed in temporary storage in the concentrate storage building.

An independent contractor transports the processed zinc and lead by truck to the Employer's port operation, which is situated on the shore of the Chukchi Sea, approximately 50 miles west of the mine. Approximately 36 to 40 truckloads, or approximately 5000 metric tons, of concentrate are shipped each day. The port operation, which also operates on the same continuous hourly basis as the mine, receives and stores the zinc and lead for shipment. The Employer loads the concentrate onto barges, which contractors convey to waiting ships, which deliver the lead and zinc to locations across the world. Supplies, including fuel, for the Employer's mine and port operations are shipped by barge and also received through this port. Due to the weather at this location, the port is accessible to ships only for approximately 100 days each year from mid July to mid October.

Approximately 350 employees are employed at the Red Dog Mine, with approximately 22 employees located at the port. Due to the operation's remote location, the Employer provides transportation for its employees to and from the mine by air and

operates an airstrip at the mine operations. The Employer also provides living and eating quarters for its employees, as well as those of the trucking contractor's employees. Employees' tours of duties vary depending on the Employer's operating needs and the home location and personal preference of the employees. Most work a 4-week-on and 2-week-off, or 2-week-on and 1 week-off, schedule.

B. Relevant Factors

1. Organization

The Employer's operations are broken down into 7 divisions: mine operations, mill operations, maintenance, environmental, accounting and information systems, materials management, and human resources. Each is head by an operations superintendent who reports to the General Manager. The parties stipulated that those positions, as well as a number of supervisory, managerial, professional, and office clerical positions should be excluded from whatever unit is found appropriate.⁴

Within the maintenance division is the electrical department employees whom the Petitioner seeks to represent along with the port electrician. The department includes a separate shop area that has lockers for tools and change of clothing of the electrical department employees. This department consists of 13 electricians and electrical instrumentation technicians⁵ and their apprentices, and 2 communication technicians.⁶ Of the 14 electricians, the Employer classifies 12 of them as Level VI electricians. Level VI is the highest pay grade within the maintenance division. Level VI electricians are also the most highly-skilled electricians employed by the Employer and are journeyman-level electricians, according to electrical department supervisor Daniel Smith. Although the Employer does not require the licensing of electricians for employment or promotion, 8 of the 12 journeymen electricians have received the Certificate of Fitness that the State of Alaska issues after the electrician has worked 8000 hours in the trade and passed a test administered by the state.⁷ The two communications technicians are classified as Level VI and Level V, respectively.

2. Apprenticeship Programs and Other Training

The Employer offers a formal apprenticeship training program to permit its electrical apprentices to learn everything they have to know to become electricians. Apprentices are required to acquire certain skills and competencies that are developed by the Employer in conjunction with the Department of Labor. Under the program, the apprentices receive on-the-job and workbook training and must study and pass a variety

⁴ The position classifications, which are too numerous to list here, and the name of the person holding those classifications, are set forth in the white rectangles on the Employer's organizational chart, which was received into evidence as Employer Exhibit Number 6. Based on the parties' stipulation, I find that those positions should be excluded from the unit as managers, supervisors, professional employees, or office clerical employees.

⁵ These classifications are referred to by the parties, and in the Employer's organizational chart, as electricians.

⁶ Due to his separate location at the port, the other electrician appears with the other 21 employees at the port in the Employer's organizational chart. When the port electrician is off work under his schedule, the Employer replaces him with one of the electricians from the mine operation.

⁷ I take administrative notice of these licensing requirements, which appear on the website for the Alaska Department of Labor under licensed occupations.

of courses at different levels of complexity in order to progress. The electrical department supervisor provides the training and administers the tests that the electricians must pass, and tracks the hours of progress for each apprentice. Separate apprenticeship programs are also offered by the Employer for millwrights,⁸ heavy equipment mechanics, and powerhouse operators.

There is other training that all production and maintenance employees receive. As the Employer's mine is subject to the Federal Mine Safety and Health Act ("MSHA"), all production and maintenance employees must receive initial and refresher surface mine training mandated by MSHA. These employees, as well as the Employer's employees that the parties stipulated should be excluded from the unit, also receive one-time environmental awareness training together, which lasts 4 to 6 hours.

3. Supervision

The electrical department supervisor alone supervises the electrical department employees. He is responsible for hiring, assigning work, training, and disciplining electrical department employees. As noted above, he also is responsible for tracking the progress and grading the tests of the electrical apprentices under the electrical apprenticeship training program. No other classification of employee is supervised by the electrical department supervisor.

Daniel Smith is the permanent electrical department supervisor. Since early 2004, however, Felix "Casey" Strzelewicz has been the acting supervisor of these employees because Smith has been assigned to a special project involving energy management. During his acting capacity, Strzelewicz has exercised all of the duties that supervisor Smith performs. Smith is scheduled to return to his supervisory position at some point in 2005, but the timeframe was uncertain at the time of the hearing.⁹ When Smith returns to his supervisory position, Strzelewicz will return to his Level VI electrician position.

Like the other employees physically located at the port, the port electrician is supervised by the port supervisor. When the port electrician is replaced by another electrician during the port electrician's time off from work, the port electrician is also responsible for supervising that electrician while he is assigned to the port.

4. Functional Integration

The record is replete with examples of different production and maintenance employee classifications working with each other and having significant daily contact. The same is true with respect to electrical department employees and other production and maintenance employees. For example, electricians who comprise the DIN ("Do It Now") crew regularly interact with mill mechanics and operators by making daily rounds to perform preventive maintenance and repair of the equipment. They also interact with

⁸ Millwrights appear on the Employer's organizational chart as mill mechanics.

⁹ The Employer contends in its brief that Strzelewicz is a supervisor under the Act and therefore should be excluded from the unit. The Petitioner did not address this issue in its brief. As it appears from the record that the purpose of the hearing was to address the unit composition question and that the Employer plans to relieve Strzelewicz of his acting supervisory duties and return him to the unit at some unspecified date in 2005, which may or may not be before the election in this matter, I find that the appropriate way to deal with Strzelewicz's eligibility is to allow him to vote subject to challenge so that his status can be resolved at that time.

mine operators and work next to them in the mine pit when testing breakers and checking for ground faults. Ted Zigarlick, the Employer's Mine Operating Superintendent, testified that electrical department employees interface with anybody and everybody all over the Employer's premises with regards to the Employer's electrical needs.

The port electrician also regularly interacts with other production and maintenance employees at the port. For example, he attends daily crew meetings with other port employees and works with port operations employees to maintain and repair equipment at the port. The communication technicians also have frequent contact with other production and maintenance employees at the mine and the port because they are responsible for repairing their radios or other communications systems. Indeed, the record amply supports the parties' stipulation that the electrical department employees have daily contact with employees in other employee classifications and often work together on the same project.

Besides this significant contact, the record also demonstrates that the duties of the electrical department employees are functionally integrated into the performance and ultimate success of the Employer's operations. As no local power company exists in this remote Alaska location, the Employer must furnish its own power for the mine and port through the operation of its powerhouse generators. Electricians are responsible for insuring that the generators are producing sufficient loads of power to keep the equipment at the mine and port running properly. Processing of the zinc and lead is also dependent on conveyors transporting the material from the mine and through the mill. Thus, the electricians' role in maintaining and repairing the conveyor systems is fundamental to uninterrupted production. In light of the distance between the port and the mine, as well as the distance between the various areas at the mine, clear communications between employees over the radios and telephone/satellite systems are essential to the success of the operation. The communications techs' role in maintaining these systems is therefore functionally integrated into the successful operation of the Employer's mine.

5. Work Duties and Assignments

Electricians are responsible for the installation, maintenance, repair, and calibration of the Employer's equipment that functions with electrical and electronic components. Thus, electricians are responsible for working with motors, generators, variable speed drives, switches, meters, and programmable logic controls. Although the electricians work with other classifications on a daily basis as noted above, electricians perform discrete duties that no other classification can perform because of their specialized skills and training. Testimony of the electricians established that while they often work with other employee classifications in performing a job, there is rarely any overlap of duties. Thus, electrician Bruder testified that when he works with millwrights on a job, he does not perform millwright duties such as welding, and the millwrights do not perform the electrical work such as variable speed work. Instrumentation technician Christman testified that when he works with millwrights at the crusher, he performs the electronics work of weigh scale calibrations on the conveyor belts, which millwrights are not trained to do. Electricians perform discrete duties because of the safety implications as well. For example, only qualified electricians may perform work on systems in excess of 480 volts. The port electrician is also responsible for performing the same electrical

work on the Employer's facilities and equipment at the port. He sometimes will perform non-electrical work such as shoveling snow and offloading freight that arrives at the port. The record also contains evidence that employees outside of the electrical department occasionally perform what was characterized as minor electrical work, such as changing light bulbs, light ballasts, and outlets, and working on kitchen appliances.

The communication technicians are responsible for maintaining and repairing the low voltage (less than 90 volts) electrical equipment that make up the Employer's communications systems. That equipment includes handheld radios, portable mobile radios, base station radios, satellite and telephone systems. In this regard, the type of work performed by the communications technicians differs from that performed by electricians. Nonetheless, the Employer's guidelines for hiring communication technicians reveals that they must have extensive electronics experience and understanding of electrical circuitry, in addition to their specialized knowledge concerning the low-voltage communications systems.

Assignment of work for the electricians and communication technicians appears based on their specific skills rather than the Employer's general needs. Thus, the electric department supervisor issues work orders to electricians to perform only electrical work, whether repair or preventive maintenance. The record further establishes that when other employee classifications contact an electrician to assist them, it is because they want the electrician to review the motor or other electrical component to determine why their piece of equipment is not functioning properly. Communications technicians frequently receive assignments to travel to the port specifically to repair the communications systems, not to help unload freight.

6. Wages and Benefits

Employees' wages follow the same scale regardless of classification up through Level V. For example, all entry level employees receive \$14.55 per hour, while a Level V employee in any department receives \$22.73 per hour. Differences exist at the journeyman level, however. A Level VI electrician receives \$25.37 per hour, like other Level VI employees within the maintenance division, while Level VI operations employees receive \$24.21 per hour. All of the Employer's production and maintenance employees receive the same employment benefits, including medical, dental, and life insurance, sick leave and retirement benefits.

7. Interchange

Interdepartmental transfers among the electrical department have been infrequent since the mine commenced operations in 1989. According to the Employer's records, only 9 employees of the approximately 3500 employees who have worked for the Employer since 1989 have transferred into or out of the electrical department. The majority of the transfers occurred more than 10 years ago, with a July 2001 transfer being the most recent. With the exception of two transfers, all employees who transferred into the electrical department for the first time came in as entry level employees. Of the Employer's current employees, only 3 have transferred into or out of the department. Two of those three (Melvin "Joe" Cook and John Mills) had to transfer to mill operator positions in October 1991 because there were too many apprentices in the electrical

department at that time. Neither employee was happy with the transfer and both returned eventually to the electrical department.

8. Other Factors

With the exception of three classifications (metallurgical techs, fire techs, and lab techs),¹⁰ all of the Employer's production and maintenance employees work 11 and ½ hour days. The majority of the Employer's workforce works from 7 a.m. to 7 p.m., but some start at 6:30 or 6 a.m. The electrical department employees work from 6 a.m. to 6 p.m. Electricians use specialized tools (e.g., multimeters, conduit benders, and megers) in performing their electrical work that other employee classifications do not use. The Employer also trains electrical department employees on equipment that other production and maintenance employees use, such as forklifts, man lifts, and overhead cranes.

No other labor organization seeks to represent the Employer's employees on a broader basis than the Petitioner. No history of collective bargaining exists among the petitioned-for group of employees.

III. POSITIONS OF THE PARTIES

The Petitioner contends that the unit of electrical department employees sought is an appropriate unit because they constitute a craft unit of highly skilled and licensed employees with common interests separate and apart from the other production and maintenance employees. On the other hand, the Employer asserts that the employees sought do not constitute a craft unit and that the only appropriate unit consists of all hourly production and maintenance employees at the mine and port.

IV. ANALYSIS

As set forth above, the parties disagree whether the unit of electrical department employees sought is a craft unit. A craft unit consists of a distinct and homogeneous group of skilled journeymen craftsmen, who, together with helpers or apprentices, are primarily engaged in the performance of tasks which are not performed by other employees and which require the use of substantial craft skills and specialized tools and equipment." *Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994). In determining the whether the unit sought constitutes a separate craft unit, the Board considers "whether the petitioned-for employees participate in a formal training or apprenticeship program; whether the work is functionally integrated with the work of the excluded employees; whether the duties of the petitioned-for employees overlap with the duties of the excluded employees; whether the employer assigns work according to need rather than on craft or jurisdictional lines; and whether the petitioned-for employees share common interests with other employees, including wages, benefits, and cross-training." *Id.* In non-construction industry cases, the Board determines "the appropriateness of the craft unit sought in light of all factors present in the case." *E.I. du Pont de Nemours & Co.*, 162 NLRB 413, 417 (1966). *Accord Mirage Casino-Hotel*, 338 NLRB 529, 532 (2002). Applying the relevant factors to the case at hand, I find that most support the conclusion that the employees sought by the Petitioner are an appropriate craft unit.

¹⁰ Those employees work 10-hour days.

As the record demonstrates, the Employer has organized the petitioned-for employees, with the exception of the port electrician, into a separate electrical department under the Maintenance Division. Within that department, the Employer offers a formal apprenticeship training program for its electrical apprentices. This program, which the Employer developed in conjunction with the Department of Labor, offers the specialized training that apprentices require in order to become electricians. Apprentices acquire specialized electrical and instrumentation knowledge and skills through on-the-job training and the study of books. In order to demonstrate that they have acquired the knowledge and skills at progressive levels of complexity, apprentices must pass tests that the electrical department supervisor administers and grades. Although this program is limited to electricians, the Employer also offers additional apprenticeship programs uniquely tailored to other crafts, such as millwrights and heavy equipment mechanics. Thus, as the Petitioner contends, the Employer already recognizes craft distinctions in establishing and maintaining these separate training programs.

The record further demonstrates that the Employer employs very experienced, highly-skilled employees in its electrical department. Twelve of the 14 electricians have attained the status of level VI, the journeyman-level tradesmen in the electrical department. Eight of those 12 are licensed by the State of Alaska, which issued them a Certificate of Fitness after they had worked a requisite number of hours in the field and passed the test administered by the State. The two remaining electricians have several years of experience with the Employer, particularly Melvin Cook, a level V electrician whom electrical supervisor Smith classified as in between an apprentice and a journeyman. The two communications technicians are also very experienced in that they have attained a level VI and a level V classification, respectively.

Contrary to the Employer, I find that the Employer's lack of licensing or certification as a requirement for hire or promotion does not undermine my finding of craft status. The Employer maintains its own rigorous standards for hiring or promoting to a level VI electrician, the highest level that an electrician can attain. Regardless of the absence of a licensing/certification requirement, the Employer's employment of a vast majority of such high-level electricians demonstrates the existence of traditional craft skills. Thus, just as the Board has discounted the absence of a traditional formal apprenticeship or other training program in finding a craft unit when an employer in fact employs highly skilled and experienced employees, I find that the absence of a certification/licensing requirement is insignificant here where the Employer in fact employs primarily the highest-level electricians. See *Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994); *Anheuser-Busch, Inc.*, 170 NLRB 46 (1968).

I also conclude that *Bartlett Collins Co.*, 334 NLRB 484 (2001), which the Employer has cited in support of its contention, is fully consistent with my decision. In that case, the Board noted that the absence of a license/certification requirement or apprenticeship program does not preclude the finding of craft status where the employees, as here, have extensive experience in their craft. There, the Board concluded that the mold-repair employees were not a craft because, unlike here, the employer did

not have an apprenticeship program and the employees were not highly skilled, were not journeymen, and did not have much experience in mold repair.¹¹

Besides possessing specialized skills, electrical department employees are exclusively assigned to perform discrete electrical and electronic duties that require the use of specialized skills. The record demonstrates that they alone perform these specialized duties with tools that only they use. Although the Employer notes that other classifications perform minor electrical work, and that electricians perform some unskilled duties that do not involve electrical work, this minor overlap in duties does not establish that the electrical department employees are not a craft employees. See, e.g., *Burns & Roe Services Corp.*, 313 NLRB 1307, 1309 (1994); *Schaus Roofing*, 323 NLRB 781, 784 (1997); *E.I. du Pont de Nemours & Co.*, 162 NLRB 413, 418 (1966).

The fact that 15 of the 16 employees in the petitioned-for unit have separate supervision from the other employees also favors the petitioned for unit of electrical department employees. These employees alone are hired, trained, evaluated, and disciplined by the supervisor in the electrical department. I am not persuaded by the Employer's argument that common supervision exists among these employees and the production and maintenance employees simply because the port supervisor supervises the one electrician (or his replacement) who is situated 50 miles away at the port. Moreover, the fact that electrical department employees can sometimes receive direction from the supervisor of the area in which they are working is insufficient to negate a craft unit determination. See, e.g., *Atlantic Richfield Co.*, 231 NLRB 31, 32 (1977) (craft unit is appropriate even though unit employees are sometimes directed to report to another supervisor for the duration of a task).

There is also no merit to the Employer's contention that the transfer of employees into and out of the electrical department reflects the maintenance, rather than craft, status of the petitioned-for employees. As the Employer's own records reveal only 9 transfers between the electrical department and other departments over the approximately 16 years since the mine opened, the record refutes any claim of frequent interchange. Evidence of 9 transfers over a 16 year span is clearly insignificant under Board precedent. See, e.g., *Mirage Casino-Hotel*, 338 NLRB 529, 533 (2002) (in finding unit of carpenters to be a craft unit, Board finds that evidence of 14 transfers over 10-year span is insignificant); *Atlantic Richfield Co.*, 231 NLRB 31, 32 (1977) (3 transfers in first 8 and ½ months of cross-training program insufficient). Further undermining the Employer's claim is the fact that the transfers are not recent and that most employees transfer into the department at the entry-level classification.

I also note that there is no history of collective bargaining among the Employer's employees, and that no labor organization seeks to represent the employees on a broader

¹¹ I further find that the Employer's reliance on *Proctor and Gamble Paper Products Co.*, 251 NLRB 492 (1980), and *Monsanto Co.*, 172 NLRB 1461 (1968), is misplaced because those cases are factually inapposite. In *Proctor and Gamble* the electrical employees sought were not a craft unit because, unlike here, the employer did not have an apprenticeship training program and the electrical employees received the same basic training as the other excluded technicians, who also performed a substantial part of the electrical work. The Board in *Monsanto* found that the petitioned-for employees were not craft electricians because they did not undergo an apprenticeship program or acquire journeyman skills through on-the-job training, and often performed custodial tasks such as removing and installing light bulbs.

basis than the Petitioner. These factors further support the finding that the unit sought is an appropriate craft unit.

Concededly, there are some factors that militate against the finding of a craft unit. As discussed above, the Employer presented extensive documentary and testimonial evidence that the Employer is a highly integrated operation with the electrical department employees frequently working with other classifications of employees on various maintenance and repair projects. Nonetheless, I disagree with the Employer's contention that the functional integration of the electrical department employees into the Employer's operations compels the conclusion that they are not a craft unit, particularly here where they perform discrete functions and utilize specialized skills even when they are working with other employee classifications. The Board has frequently concluded that the functional integration of the employees sought into an employer's operations is insufficient to preclude the establishment of a craft unit. See, e.g., *Burns & Roe Services Corp.*, 313 NLRB 1307, 1309 fn. 12 (1994); *Atlantic Richfield Co.*, 231 NLRB 31, 32 (1977); *E.I. du Pont de Nemours & Co.*, 162 NLRB 413, 419 (1966). Accord *NLRB v. Metal Container Corp.*, 660 F.2d 1309 (8th Cir. 1981), enforcing 249 NLRB 1222 (1980).

In *Atlantic Richfield*, the Board reversed the Regional Director and concluded that the petitioned-for unit of electrical, instrument, and communication techs employed by the employer at its oil production field on the North Slope of Alaska was an appropriate craft unit. In reaching that determination, the Board rejected the employer's contention that the highly integrated nature of the employer's operations necessitated the creation of a broader unit than sought by the union, and stated as follows:

where, as here, there is no history of bargaining on a more comprehensive basis, neither the integrated nature of a production process nor the fact that skilled employees must coordinate their operations with other employees in achieving maintenance goals is, in itself, sufficient to preclude the formation of a craft unit.

Id. at 32.

As the Employer points out, the electrical department employees receive the same employment benefits and their wage ranges are generally the same as those of the excluded employees.¹² All of the Employer's employees are subject to the same conditions of employment set forth in the Employer's policy and conduct manuals, and electrical department employees receive some of the same training as excluded employees. Although these factors support the Employer's claim that a wall-to-wall unit of production and maintenance employees would be an appropriate unit, they are insufficient to show that the unit sought by the Petitioner is not an appropriate craft unit. See, e.g., *Burns & Roe Services Corp.*, 313 NLRB 1307, 1309 (1994) (separate craft unit found appropriate even though all employees received similar wages and benefits and

¹² The only exception is that whereas Level VI electrical department employees receive \$25.37 per hour like certain other Level VI employees and Level VII mill operators, Level VI surface and mine operators receive \$24.21 per hour.

were subject to common personnel policies); *Schaus Roofing*, 323 NLRB 781, 784 (1997) (separate craft unit found appropriate even though craft employees were subject to common personnel policies and other benefits and conditions of employment, and the range of wage rates did not vary significantly from those of other employees).

In sum, I find that the evidence demonstrates that the electrical department employees constitute a distinct and homogeneous group of skilled journeymen craftsmen, who, with their apprentices, are primarily engaged in the performance of tasks which are not performed by other employees and which require the use of substantial craft electrical skills. *Burns & Roe Services Corp.*, 313 NLRB 1307 (1994); *Atlantic Richfield Co.*, 231 NLRB 31(1977).

V. CONCLUSION

In view of the record evidence, I shall direct an election in the following appropriate Unit:

All electricians, electrician instrumentation technicians, and their apprentices, and all communications technicians employed by the Employer at its RedDog mine and port operations located near Kotzebue, Alaska, but excluding all other employees, managers, guards, and supervisors as defined in the Act.¹³

There are approximately 16 employees in the Unit found appropriate.

VI.) DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the Unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the Unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike, which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be

¹³ The Unit found appropriate conforms substantially with the unit that the Petitioner stated it was seeking during the hearing.

represented for collective bargaining purposes by INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1547, AFL-CIO.

A.) List of Voters

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an election eligibility list, containing the alphabetized full names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 19 within 7 days of the date of this Decision and Direction of Election. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. The Region shall, in turn, make the list available to all parties to the election.

In order to be timely filed, such list must be received in the Regional Office, 915 Second Avenue, 29th Floor, Seattle, Washington 98174, on or before February 23, 2005. No extension of time to file this list may be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission to (206) 220-6305. Since the list is to be made available to all parties to the election, please furnish a total of 4 copies, unless the list is submitted by facsimile, in which case only one copy need be submitted.

B.) Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

C.) Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington, D.C. by 5 p.m., EST on March 2, 2005. The request may **not** be filed by facsimile.

DATED at Seattle, Washington this 16th day of February 2005.

/s/ Richard L. Ahearn

Richard L. Ahearn, Regional Director
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